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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,811	09/26/2003	Kurt Baettig	ICH 300-US	7701
7590		07/12/2004	EXAMINER	
Dara L. Onofrio, Esq.		DESAI, RITA J		
c/o ONOFRIO LAW		ART UNIT		
Suite 1600		PAPER NUMBER		
1133 Broadway		1625		
New York, NY 10010		DATE MAILED: 07/12/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/671,811

**Applicant(s)**

BAETTIG, KURT

**Examiner**

Rita J. Desai

**Art Unit**

1625

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/20/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

Claims 1-9 are pending.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim recites "general" formula hence the metes and bounds of the claim are not known.

Applicant are required to delete the term general.

Also applicants copper complex dyes is a preamble. Applicants are required to write it as A Compound...

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b ) as being anticipated by US

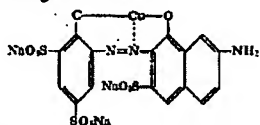
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The reference clearly discloses the compounds of the invention for use in ink and printing.

See eg. 180 , in column 45.

## EXAMPLE 180

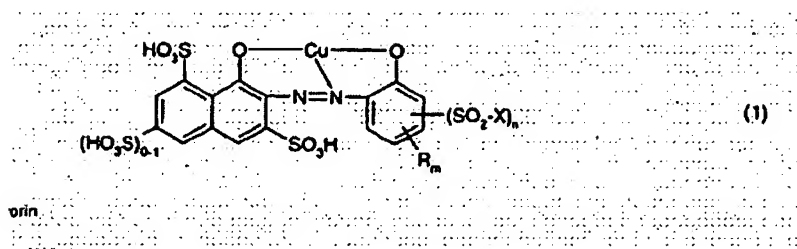
In 700 parts of water are dissolved 65 parts of the dyestuff having the formula



prepared by coupling of diazotized 1-hydroxy-2-aminobenzene-4,6-disulfonic acid with 2-amino-8-hydroxynaphthalene-6-sulfonic acid and coppering of the resultant azo dyestuff. 22 Parts of 2-methylsulfonyl-4-chloro-6-methyl-pyrimidine are added and

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 1086999 Lehmann Urs. Or 102 e US 6521032

The reference discloses the compounds as formula I see the abstract , whole document . Numerous compounds are disclosed.



Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 1372368 Farbwerke et al

The reference clearly discloses the dyes of the formula on page 4. The process of making them is also disclosed as diazotizing an amine of formula 2 on page 1 , coupled with a naphthyl

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X being defined as above; and

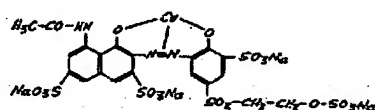
(iv) a hydroxy- or amino-naphthalene, which may be further substituted by, for example, one or more substituents selected from methyl, methoxy, amino, acylamino, hydroxy, groups of the formula



X being defined as above, and especially sulphonic acid groups.

As examples of the inorganic or organic radical Z that can be split off by an alkaline agent there may be mentioned: a halogen atom, for example a chlorine or bromine atom; an alkyl- or arylsulphonic acid ester group, for example a methylsulphonyloxy or *p*-toluenesulphonyloxy radical; an acyloxy group (preferably having up to 6, more preferably up to 4, carbon atoms); for example an acetoxy group or a

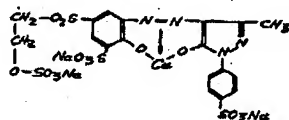
The compounds are disclosed on page 4 as given below as eg. 1 and 2.



This dye dyed cotton fabrics to violet shades in the presence of alkaline agents; the dyes obtained were fast to light and washing process.

#### Example 2.

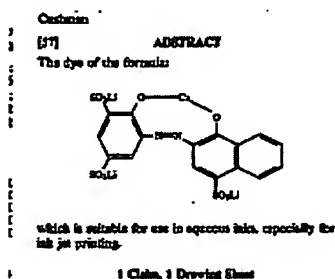
217 parts of 2-amino-4-( $\beta$ -hydroxyethylsulphonyl)-phenol were esterified, sulphonated and diazotized in the same manner as described in Example 1. After the addition of a solution of 254 parts of 1-(4'-sulphophenyl)-3-methyl-pyrazolene-5 in 800 parts of water and 90 parts of 33% (by weight) sodium hydroxide solution, the pH-value was adjusted to 5 to 6.5 by alternating introduction of 700 parts of calcium carbonate and 2000 parts of ice, and, finally, 80 parts of sodium carbonate. At this pH, coupling was complete after a short time. By the addition of 250 parts of crystalline copper sulphate dissolved in 750 parts of water and 50 parts of sodium carbonate, the monoozo dye was converted at pH 5 into the copper complex monoozo dye. The reaction mixture containing calcium sulphate was stirred again at 65°C for 2 hours, and filtered while hot. The residue was washed with hot water. An aqueous solution of 40 parts of sodium oxalate was added to the combined filtrates, stirred at 40°C for 1 hour and, after clarification, evaporated to dryness *in vacuo* at 60°C. 984 parts of a salt-containing dye was obtained which, in the form of the sodium salt, was of the formula



Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Quayle et al. US 4931550, 499411, EP 247729.

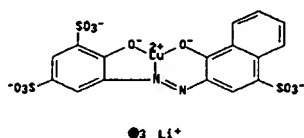
The reference discloses the Li salt of the see the abstract.

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The Stn abstract clearly discloses the charged salt.

See below.



Also see US 4939243 Meininger et al which discloses the compounds of the invention.

See abstract and claims.

### Conclusion

Thus the claim 1-9 are not allowable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita J. Desai whose telephone number is 571-272-0684.

The examiner can normally be reached on Monday - Friday, 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rita J. Desai  
Primary Examiner  
Art Unit 1625

R.D.  
July 7, 2004

7/7/04